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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178051
Party	Defendant Na-Churs Plant Food Company
Correspondence Address	CRAIG J.J. SNYDER CRAIG J.J. SNYDER P.C. 67 WALL ST., STE. 2211 NEW YORK, NY 10005-3101 UNITED STATES cs@snyderfirm.com
Submission	Answer
Filer's Name	Craig J.J. Snyder
Filer's e-mail	cs@snyderfirm.com
Signature	/CJJS/
Date	08/03/2007
Attachments	Answer51.pdf (4 pages)(126824 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMS INVESTMENTS, INC.,)	Opposition No. 91178051
)	
Opposer,)	
)	
v.)	ANSWER
)	
NA-CHURS PLANT FOOD COMPANY,)	
)	
Applicant.)	

Na-Churs Plant Food Company (“Applicant”), by its undersigned attorney, for its answer to the Notice of Opposition, admits, denies and alleges as follows:

Applicant is without sufficient information or belief to admit or deny the allegations in the unnumbered preface of the Notice of Opposition and therefore denies the same, except Applicant denies any allegation of damage to Opposer therein.

1. Applicant admits the allegations in Paragraph No. 1.
2. Applicant admits the allegations in Paragraph No. 2.
3. Applicant is without sufficient information or belief to admit or deny the allegations in Paragraph No. 3 and therefore denies the same.
4. Applicant is without sufficient information or belief to admit or deny the allegations in Paragraph No. 4 and therefore denies the same.
5. Applicant is without sufficient information or belief to admit or deny the allegations in Paragraph No. 5 and therefore denies the same.
6. Applicant is without sufficient information or belief to admit or deny the allegations in Paragraph No. 6 and therefore denies the same, except Applicant denies any allegation that the “GRO Marks” are distinctive.

7. Applicant is without sufficient information or belief to admit or deny the allegations in Paragraph No. 7 and therefore denies the same.

8. Applicant is without sufficient information or belief to admit or deny the allegations in Paragraph No. 8 and therefore denies the same, except Applicant denies any allegation that the suffix "GRO" is known as exclusively identifying Opposer's products or is exclusive to Opposer or is recognized by consumers as symbolizing any goodwill of Opposer.

9. Applicant is without sufficient information or belief to admit or deny the allegations in Paragraph No. 9 and therefore denies the same, except Applicant admits it filed application Serial No. 78/932,460 on July 6, 2006 under Section 1(b) of the Lanham Act.

10. Applicant denies the allegations in Paragraph No. 10.

11. Applicant denies the allegations in Paragraph No. 11.

12. Applicant denies the allegations in Paragraph No. 12.

13. Applicant denies the allegations in Paragraph No. 13.

14. Applicant denies the allegations in Paragraph No. 14.

15. Applicant denies the allegations in Paragraph No. 15.

AFFIRMATIVE DEFENSES

16. Opposer lacks standing to bring this opposition proceeding.

17. The wording "gro" is merely descriptive of Opposer's products.

18. The wording "gro" is commonly registered and used for agricultural and horticultural products and Opposer is not entitled to exclusive rights in the wording "gro" or in the use of the wording "gro" as a formative within marks for such products.

19. The Notice of Opposition fails to state a claim upon which relief may be granted.

WHEREFORE, having fully answered the Notice of Opposition, Applicant respectfully requests that the opposition be denied and the registration be issued to Applicant.

Dated: August 3, 2007

Respectfully Submitted,

Craig J.J. Snyder, P.C.
Attorneys for Applicant
Na-Churs Plant Food Company
67 Wall Street, Suite 2211
New York, NY 10005
(877) 226-5452
(212) 656-1432 (Fax)

CERTIFICATION OF SERVICE

I hereby certify, pursuant to Trademark Rule 2.119, that a true and correct copy of the foregoing Answer has been served upon counsel for the Opposer this 3rd day of August 2007, by first-class mail, postage prepaid, addressed to Susan E. Hollander, Esq., Manatt Phelps & Phillips, LLP, 1001 Page Mill Road, Bldg.2, Palo Alto, CA 94304.

Craig J.J. Snyder
August 3, 2007